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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 DARNETTA WHEAT, on behalf of ) Case No. 14-cv-05431-SC  
10 himself and all persons similarly )  
situated, ) ORDER TRANSFERRING VENUE TO  
11 Plaintiff, ) THE CENTRAL DISTRICT OF  
12 ) CALIFORNIA  
13 )  
14 v. )  
15 J.B. HUNT TRANSPORT, INC., et al., )  
16 )  
17 Defendants. )  
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20 **I. INTRODUCTION**

21 Now before the Court is a stipulation to transfer venue filed  
22 by Defendant J.B. Hunt Transport, Inc. ("JBH") and Plaintiff  
23 Darnetta Wheat. ECF No. 14 ("Stip."). Because "the court must  
24 evaluate the appropriate factors even though the parties now  
25 stipulate to the transfer," the Court reviews whether transfer is  
26 appropriate. See Tung Tai Grp. v. Fla. Transformer, Inc., No.  
27 5:11-cv-02389 EJD(HRL), 2011 WL 3471400, at \*2 (N.D. Cal. Aug. 8,  
28 2011) (citing White v. ABCO Eng'g Corp., 199 F.3d 140, 144 (3d Cir.

1 1999)). For the reasons set forth below, the Court finds the  
2 transfer of venue to the Central District of California is  
3 appropriate, and therefore the stipulation is GRANTED AS MODIFIED  
4 by this order.

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6 **II. BACKGROUND**

7 This is a putative employment class action alleging various  
8 violations of state and federal law arising out of Defendant JBH's  
9 failure to pay wages and to reimburse employees for medical and  
10 physical examinations they were required to undergo. See ECF No.  
11 1-3 ("Compl.") ¶ 1. JBH is a provider of transportation and  
12 logistics services, and it employs a large number of truck drivers.  
13 Id. ¶¶ 5, 16-17. Plaintiff brings this purported class action on  
14 behalf of JBH's drivers. Plaintiff seeks to represent a class of  
15 all JBH drivers nationwide for claims under the federal Fair Labor  
16 Standards Act and classes of California drivers for the state law  
17 claims.

18 Plaintiff originally filed this case in Alameda County  
19 Superior Court, but Defendant removed it to federal court on the  
20 basis of federal question jurisdiction, pursuant to 28 U.S.C.  
21 Section 1331, because some of Plaintiff's claims arise out of the  
22 federal Fair Labor Standards Act. The parties now request that the  
23 Court transfer venue to the Central District of California.

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25 **III. LEGAL STANDARD**

26 Under 28 U.S.C. Section 1404(a), the Court may "[f]or the  
27 convenience of parties and witnesses, in the interests of  
28 justice . . . transfer any civil action to any other

1 district . . . where it might have been brought." The Court must  
2 undertake an "'individualized, case-by-case consideration of  
3 convenience and fairness,'" and determine whether three elements  
4 are satisfied: (1) the propriety of venue in the transferor  
5 district, (2) whether the action could have been brought in the  
6 transferee district, and (3) whether the transfer will serve the  
7 interests of justice and convenience of the parties and witnesses.  
8 Tung Tai, 2011 WL 3471400, at \*1 (quoting Jones v. GNC Franchising,  
9 Inc., 211 F.3d 495, 498 (9th Cir. 2000)). The Court weighs a  
10 series of factors in determining whether the third element is  
11 satisfied including plaintiff's choice of forum, the convenience of  
12 the parties and witnesses, ease of access to evidence, the  
13 familiarity of the potential fora with applicable law, feasibility  
14 of consolidation, local interests, and court congestion. Williams  
15 v. Bowman, 157 F. Supp. 2d 1103, 1106 (N.D. Cal. 2001) (citing  
16 Royal Queentex Enters. Inc. v. Sara Lee Corp., No. C-99-4787 MJJ,  
17 2000 WL 246599, at \*2 (N.D. Cal. Mar. 1, 2000)).

#### 18 19 **IV. DISCUSSION**

20 First, the Court finds that the first two requirements for  
21 transfer are satisfied because venue is proper in this District,  
22 and the case could have been brought in the Central District of  
23 California. Because the action was originally filed in Alameda  
24 County Superior Court, the case was properly removed to this Court.  
25 See 28 U.S.C. § 1441(a) (permitting removal "to the district court  
26 of the United States for the district and division embracing the  
27 place where such action is pending"). Furthermore, the action  
28 could have been brought in the Central District of California

1 because the defendant is subject to personal jurisdiction in  
2 California, and a substantial part of the events giving rise to  
3 Plaintiff's claims took place in the Central District. See 28  
4 U.S.C. § 1391(a), (b) (2)-(3); Stip. at 1 (noting that JBH has  
5 offices in California and that JBH has employees and managers  
6 located in California).

7 In addition, the Court finds that transferring the action to  
8 the Central District of California will serve the convenience of  
9 the parties and witnesses and promote the interests of justice.  
10 The documents relevant to this lawsuit are kept in JBH's offices in  
11 South Gate, California (which is located in the Central District).  
12 JBH's employees and managers responsible for enforcing JBH's  
13 employment policies in California are also located there. Stip. at  
14 1. Additionally, even though Plaintiff's initial choice of forum  
15 was within the Northern District of California, most of JBH's  
16 California drivers are based out of South Gate. Id. Therefore,  
17 the plaintiff's choice of forum, convenience of the parties, and  
18 ease of access to evidence all suggest that the Central District is  
19 a more appropriate venue.

20 Accordingly, the Court finds that because venue is proper in  
21 this district, the action could have been brought in the Central  
22 District of California, and transferring the action to the Central  
23 District will serve the interests of justice and convenience of the  
24 parties and witnesses, this case satisfies all three requirements  
25 for a transfer of venue.

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1 **V. CONCLUSION**

2 For the reasons set forth above the Court GRANTS the parties'  
3 stipulation and DIRECTS the Clerk to transfer this action to the  
4 Central District of California.

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6 IT IS SO ORDERED.

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8 Dated: April 15, 2015

  
UNITED STATES DISTRICT JUDGE